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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,374

11/30/2004

Jonathan Kahn

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2819

26263

7590

01/18/2007

SONNENSCHN NATH & ROSENTHAL LLP

P.O. BOX 061080

WACKER DRIVE STATION, SEARS TOWER

CHICAGO, IL 60606-1080

EXAMINER

FLETCHER, MARLON T

ART UNIT

PAPER NUMBER

2837

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/516,374

Applicant(s)

KAHN ET AL.

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 5-7, are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky et al. (6,434,520).

Kanevsky et al. disclose (claim 1) a method for locating an audio segment (104) within an audio file (101) comprising: providing a first transcribed text file (T1) associated with the audio file and providing a second transcribed text file (T2) associated with the audio file (column 6, lines 39-47; column 7, lines 22-26; and column 8, lines 21-48); receiving a user input (300) defining a text segment corresponding to the audio segment to be located (column 8, lines 49-58); searching (302) for the text segment in the first transcribed text file (column 8, lines 58-61; and column 9, lines 4-29); and displaying only those occurrences of the text segment within the first transcribed text file that are also a match to occurrences of the text segment within the second transcribed text file (column 10, lines 10-25).

Kanevsky et al. disclose (claim 2) the method, further comprising comparing the first transcribed text file to the second transcribed text file to determine each match and difference between the first transcribed text file and text segment in the second transcribed text file (column 8, line 49 – column 9, line 46).

Kanevsky et al. disclose (claim 5) the method, wherein displaying includes highlighting each match within the first transcribed text file being displayed in the first window (step 414).

Kanevsky et al. disclose (claim 6) the method, wherein each of tile matching occurrences of the text segment within the first transcribed text file are associated with one of a plurality of audio tags, each audio tag corresponding to one of a plurality of audio segments within the audio file (column 5, lines 50-60; and column 7, lines 22-26).

Kanevsky et al. disclose (claim 7) the method, wherein each of the matching occurrences of the text segment within the first transcribed text file are user-selectable to cause playback of the corresponding one of the plurality of audio segments within the audio file (column 10, lines 25-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanevsky et al. in view of Gandhi et al. (2004/0015351).

Kanevsky et al. are discussed above. Kanevsky et al. do not disclose two type of software for speech recognition.

However, Gandhi et al. disclose (claim 3) the method, wherein the first transcribed text file is transcribed from the audio file using a first speech recognition software and the second transcribed text file is transcribed from the audio file using a second speech recognition software (abstract and figure 2).

Gandhi et al. further disclose (claim 4) the method, wherein the first transcribed text file is transcribed from the audio file using a first speech recognition software and the second transcribed text file is transcribed from the audio file by a human transcriptionist (inherent and abstract), wherein the references of transcribed data were made in the apparatus by a human.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Gandhi et al. with the teachings of Kanevsky et al., because the teachings provide enhancement in that speech recognition can be more accurate using two types of speech recognition.

Response to Arguments

5. Applicant's arguments filed 10/13/2006 have been fully considered but they are not persuasive.

The applicant makes arguments against the examiner's rejection. The examiner has fully considered these arguments, but disagrees with the applicant's assessment. The applicant believes that the reference fails to provide transcribed text, and that the reference merely transcribes spoken words. However, as clearly seen in the reference, the system transcribes text based on the incoming audio signal. This meets the claimed

limitations. The applicant further argues that the reference does not provide displaying data. However, retrieving data (text) inherently involves displaying visual data. It is believed that the reference meets the claimed limitations.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

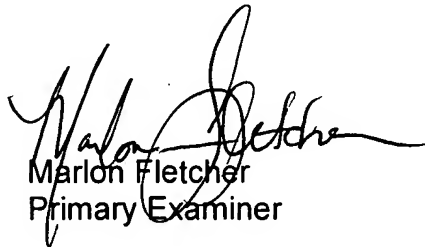
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2837

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
January 8, 2007



Marlon Fletcher
Primary Examiner